

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAY ALIX,

Plaintiff,

-v-

MCKINSEY & CO., INC. et al.,

Defendants.
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18-CV-4141 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On November 14, 2023, Plaintiff Jay Alix filed a motion to dismiss Defendant Seth Goldstrom's Counterclaim under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a party has twenty-one (21) days after the service of a motion under Rule 12(b) to amend their pleading once as a matter of course.


Accordingly, it is hereby ORDERED that Goldstrom shall file any amended counterclaim by **December 5, 2023**. Pursuant to Paragraph 1.B. of the Court's Individual Rules and Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>, any amended counterclaim should be filed with a redline showing all differences between the original and revised filing. Goldstrom will not be given any further opportunity to amend the counterclaim to address issues raised by the motion to dismiss.

If Goldstrom does amend, by three (3) weeks after the amended counterclaim is filed, Alix shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Alix files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Alix files a new motion to dismiss or indicates that he relies on his previously filed motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended counterclaim is filed, Goldstrom shall file any opposition to the motion to dismiss by **December 5, 2023**. Alix's reply, if any, shall be filed by **December 12, 2023**.

SO ORDERED.

Dated: November 15, 2023
New York, New York



JESSE M. FURMAN
United States District Judge